



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

Office of the
General Counsel

Mr. Taylor-Scott Amarel
MuckRock News
DEPT MR 70630
411A Highland Ave.
Somerville, MA 02144-2516
Email: 56798-94564165@requests.muckrock.com

CONFIDENTIAL

Re: FOIA Appeal; FOIA #2018-07909

Dear Mr. Amarel:

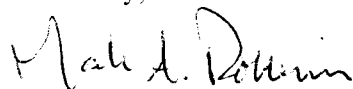
This is in response to your February 27, 2019 Freedom of Information Act (FOIA) appeal and August 5, 2019 follow up email, received in the Office of the General Counsel, Office of Personnel Management on August 13, 2019. I apologize for the delay in this response. Your initial request sought copies of all emails sent to, from, or copied to OPMExecsec@opm.gov from January 1, 2017 to the present, containing the following key-strings: "EB-5," "stephen miller," "kushner," "illegal immigration," "money laundering," "amarel," "whistleblower," or "resignation." On February 25, 2019, the OPM FOIA office issued an initial response to you, stating that your request was denied because it did not reasonably describe the records sought. You have appealed OPM's initial response. In your appeal letter, you argue that by providing the keywords to be used, you specifically stated the subject and topic of the records requested.

After considering this matter, I have decided to deny your appeal because, contrary to your assertions, your underlying request does not reasonably describe the records sought. As set forth in OPM's regulations implementing the FOIA, a proper request is one that describes the records sought with sufficient detail to allow an agency employee familiar with the subject area of the request to locate the records with a reasonable amount of effort. *See* 5 CFR 294.108(c). Merely specifying an email account to search and attempting to dictate the search by supplying search terms that must be used does not meet the criteria for a request that "reasonably" describes the records sought. *See Mobley v. CIA*, 806 F.3d 568, (D.C. Cir. 2015)(a request for an agency to search a particular record system—without more—does not invariably constitute a "lead" that an agency must pursue.). Moreover, FOIA was not intended to reduce Government agencies to full time investigators on behalf of FOIA requesters, or to allow requesters to conduct fishing expeditions within the agency. *See, e.g., Bloeser v. DOJ*, 811 F. Supp. 2d 316, 321 (D.D.C. 2011). Therefore, I deny your appeal of OPM's initial decision with respect to this request.

Judicial review of this determination is available under the FOIA pursuant to 5 U.S.C. § 552(a)(4). Under the FOIA, you may appeal this decision by filing a lawsuit within six years from the date of this decision in a United States district court for the district in which you reside, or in the United States District Court for the District of Columbia.

You also have the option of requesting mediation services from the Office of Government Information Services (OGIS). You may contact OGIS at the Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001, or by email at ogis@nara.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Robbins". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

Mark A. Robbins
General Counsel

cc: Wen Liu, Manager
FOIA Office
Office of the Director